

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, AUGUST 9 1983

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING August 9 A.D., 19 83,

IN Regular SESSION. PRESIDENT Ben A. Eisbart
David B. Keller, Council Attorney
IN THE CHAIR, AND Sandra E. Kennedy CLERK, AT THE DESK,

PRESENT THE FOLLOWING MEMBERS VIZ:
BRADBURY Present, BURNS Present, EISBART Present,
GiaQUINTA Present, SCHMIDT Present, SCHOMBURG Present,
SCRUGGS Present, STIER Present, TALARICO Absent,
ABSENT 1 - Galvino

COUNCILMAN _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19 _____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR July 26, 19 83,

_____, 19 _____,

SPECIAL _____, 19 _____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



The City of Fort Wayne

Office of the Mayor

July 26, 1983

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, July 26, 1983, I have approved the following ordinances passed by the Common Council at its regular meeting of July 26, 1983.

(Bill No. A-83-07-01)
APPROPRIATION ORDINANCE NO. A-13-83

AN ORDINANCE appropriating funds from the Park Cumulative Building Fund to be used as a Federal Matching Grant toward a U.S. Department of Interior U.P.A.R.R.

(Bill No. S-83-07-02)
SPECIAL ORDINANCE NO. S-136-83

AN ORDINANCE approving Civil City Purchase Order #A-27169 by the City of Fort Wayne by and through its Community Development & Planning Department and the Department of Purchasing with Ream Steckbeck Paint

(Bill No. S-83-07-03)
SPECIAL ORDINANCE NO. S-137-83

AN ORDINANCE approving Civil City Purchase Order #A-27387 by the City of Fort Wayne by and through its Board of Aviation and the Department of Purchasing with Aviation Systems, Inc.

(Bill No. S-83-07-04)
SPECIAL ORDINANCE NO. S-138-83

AN ORDINANCE ratifying Bid Reference No. 1084 by the City of Fort Wayne by and through its Park Commissioners and the Department of Purchasing with Fleming Excavating, Inc.

(Bill No. S-83-07-05)
SPECIAL ORDINANCE NO. S-139-83

AN ORDINANCE ratifying Bid Reference #1081 by the City of Fort Wayne by and through its Park Commissioners and the Department of Purchasing with Lawn and Turf Landscaping, Inc.

(Bill No. R-83-07-23)
(as amended)
RESOLUTION NO. R-42-83

RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$350,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, DAVID W. McEOWEN, FREDERICK J. STONE, THOMAS M. MILLIGAN, AN INDIANA GENERAL PARTNERSHIP TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

(Bill No. R-83-07-29)
RESOLUTION NO. R-43-83

A RESOLUTION authorizing the City to enter into a Fire Protection Contract with Zollner Corporation

(Bill No. R-83-07-30)
RESOLUTION NO. R-44-83

A RESOLUTION authorizing the transfer of funds between certain accounts within the 1983 budgets of certain City departments

(Bill No. R-83-07-31)
RESOLUTION NO. R-45-83

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to a certain account within the 1983 budget of the Park Department for the purpose of repairs to such property

(Bill No. Z-83-06-04)
ZONING MAP ORDINANCE NO. Z-09-83

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18

(Bill No. S-83-07-13)
SPECIAL ORDINANCE NO. S-142-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and L.W. Dailey, Inc., for Improvement Res. #5975-83 - Hamilton Park Neighborhood, Phase II

(Bill No. S-83-07-14)
SPECIAL ORDINANCE NO. S-143-83

AN ORDINANCE approving Change Order #1, Res. 5950-82, State Street Improvement with John Dehner, Inc., in connection with the Board of Public Works

(Bill No. S-83-07-15)
SPECIAL ORDINANCE NO. S-144-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and Moellerling Construction Company, Inc., for Improvement Res. #5970-83 (1983 Asphalt Resurfacing, Group 2)

(Bill No. S-83-07-16)
SPECIAL ORDINANCE NO. S-145-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and L.W. Dailey, Inc., for Res. 5976-83, Hanna-Creighton VIII, Phase II

(Bill No. S-83-07-17)
SPECIAL ORDINANCE NO. S-146-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and L.W. Dailey, Inc., for Improvement Res. #5972-83 - Poplar Neighborhood, Phase II

(Bill No. S-83-07-18)
SPECIAL ORDINANCE NO. S-147-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and Gaines Construction Company, for Curb & Sidewalk Improvement Res. #5954-82

(Bill No. S-83-07-11)
SPECIAL ORDINANCE NO. S-148-83

AN ORDINANCE approving Close Out Change Order for Res. 319-80, Northcrest Pump Station, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works

(Bill No. S-83-07-12)
SPECIAL ORDINANCE NO. S-141-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and Scheidleman Excavating, Inc., for Leo Road Water Main Extension, Contract 83-XP-1

(Bill No. G-83-07-21)
(as amended)
GENERAL ORDINANCE NO. G-21-83

AN ORDINANCE amending General Ordinance Number G-14-81 dealing with animal control

(Bill No. X-83-07-19)
ANNEXATION ORDINANCE NO. X-04-83

AN ORDINANCE annexing certain territory commonly known as the Lincolndale Annexation Area to the City of Fort Wayne, Indiana and including same in Councilmanic District No. 3

(Bill No. R-83-07-20)
RESOLUTION NO. R-46-83

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana setting forth the policy of the City of Fort Wayne, Indiana in regards to the annexation of the Lincolndale Annexation Area

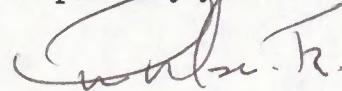
(Bill No. S-83-07-22)
SPECIAL ORDINANCE NO. S-149-83

AN ORDINANCE approving the incorporation of legislative amendments to the Conservancy District Statutes, and authorizing such legal action as is necessary to conform the present Petition to Establish a Conservancy District and prosecute the same to the complete establishment of a Conservancy District

(Bill No. S-83-07-25)
SPECIAL ORDINANCE NO. S-140-83

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City of Fort Wayne, Indiana for the year 1984

Respectfully yours,



Win Moses, Jr.
Mayor



THE CITY OF FORT WAYNE
DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

26 July 1983

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-83-07-06

Respectfully submitted,

CITY PLAN COMMISSION

Stephen A. Bailey
Secretary

Certified and signed this
26th day of July 1983.





THE CITY OF FORT WAYNE
DIVISION OF LAND USE MANAGEMENT

Department of Community Development & Planning

26 July 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held July 25, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-07-06
2. From R-1 to B-1-B
3. Intended Use: Wholesale Bakery Store
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The Commission feels this rezoning would be spot zoning and have an adverse affect to the use or value of the adjacent property.

If there are any questions with regard to this ordinance, please feel free to call on us.

Sincerely,


Gary F. Baeten
Senior Planner

GFB:pb



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-07-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1983;

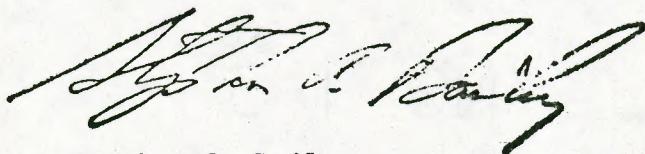
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Fact".

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

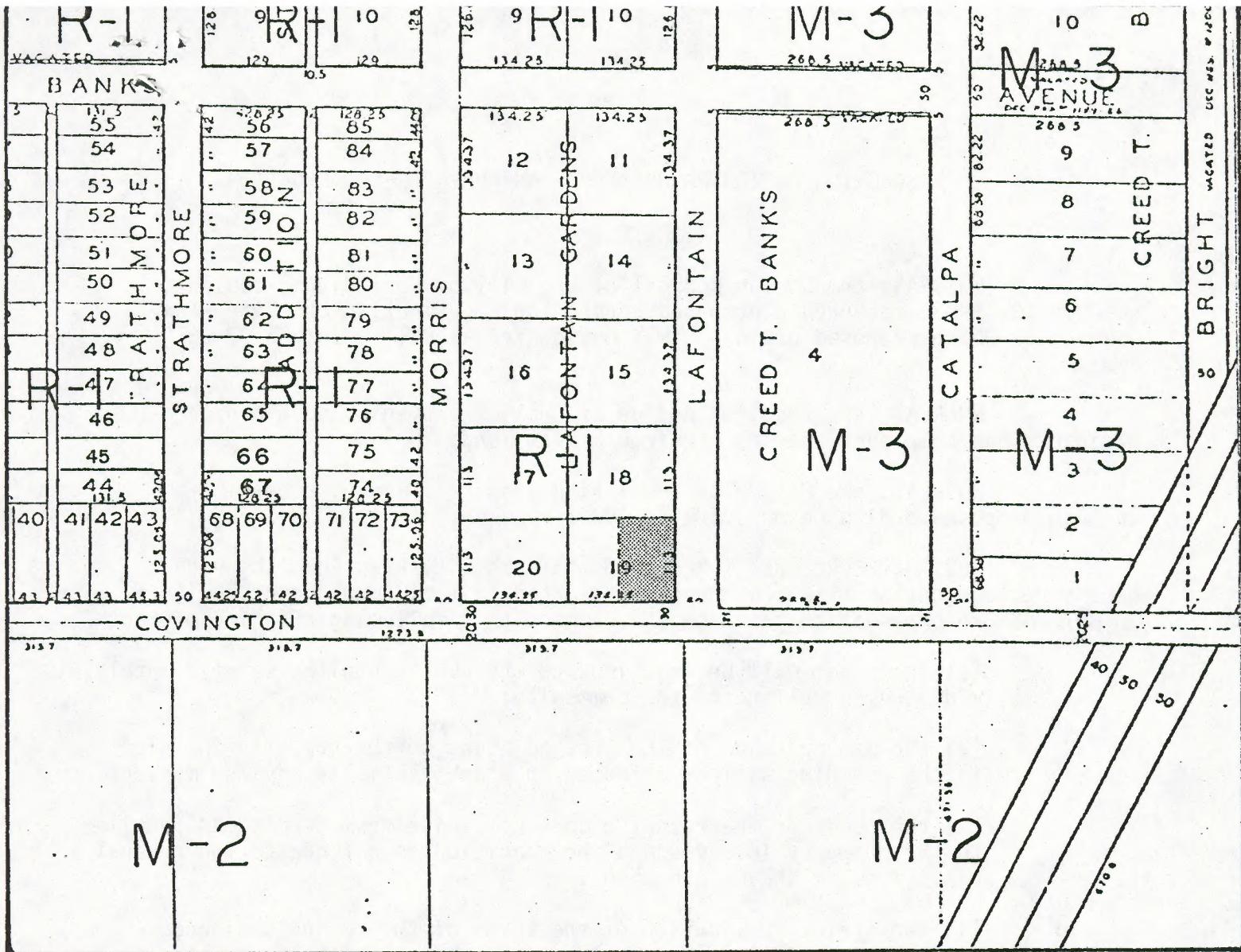
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1983.

Certified and signed this
26th day of July 1983.



Stephen A. Bailey
Secretary



■ A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-I TO A BIB DISTRICT.

Z-83-0706

MAP NO. 1-3



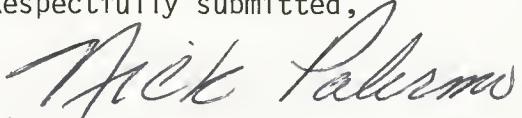
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 85/83/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,


Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 85/83/E)

I hereby certify that I did this 27th day of
July, 1983 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 85/83/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 85/83/E

(Adopted July 27, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to THRU STREET (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 26, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 27, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

THRU STREET (EMERGENCY)

S. Coliseum Boulevard -- from -- Reynolds Street to Pontiac Street except at McCormick Avenue and New Haven Avenue

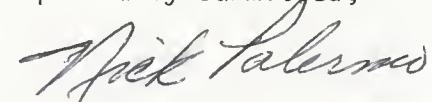
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 86/83/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

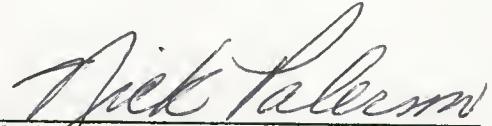


Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 86/83/E)

I hereby certify that I did this 28th day of
July, 1983 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 86/83/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 86/83/E

(Adopted July 28, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to DELETE: TRAFFIC SIGNAL (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 27, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

July 28, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

TRAFFIC SIGNAL (EMERGENCY)

S. Coliseum Boulevard -- and -- Pontiac Street

S. Coliseum Boulevard -- and -- Raymond Avenue

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 87/83/E
88/83/E
89/83/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 87/88/E
88/83/E)
89/83/E

I hereby certify that I did this 2nd day of
August, 1983 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 87/83/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 87/83/E

(Adopted August 2, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 60/83/E: SPEED LIMIT

25 MPH WHEN CHILDREN PRESENT

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 1, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

August 2, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 MPH WHEN CHILDREN PRESENT (EMERGENCY)

Sand Point Road -- from Willow Oaks Drive to Tyrone Road

REGULATORY RESOLUTION NO. 88/83/E

(Adopted August 2, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 62/83/E: NO PARKING

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 1, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

August 2, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Red Haw Drive -- west side -- from 250' north of Tulip Tree Road to its northern terminus

REGULATORY RESOLUTION NO. 89/83/E

(Adopted August 2, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to ONE WAY STREET (EMERGENCY) AND DELETE: ONE WAY STREET (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 28, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

August 2, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

ONE WAY STREET (EMERGENCY)

Wildwood Avenue -- eastbound -- from Beaver Avenue to South Wayne Avenue
DELETE:

ONE WAY STREET (EMERGENCY)

Wildwood Avenue -- westbound -- from South Wayne Avenue to Beaver Avenue

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of August, 19 83 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of August, 19 83.

Sander G. Kennedy Jr.
City Clerk

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

S-83-07-27

DEPARTMENT REQUESTING ORDINANCE Purchasing

SYNOPSIS OF ORDINANCE An ordinance approving the purchase of approximately 50 manholes for the Water Pollution Control Maintenance Department of the City of Fort Wayne, Indiana.

EFFECT OF PASSAGE Water Pollution Control Maintenance Department will have
needed manholes.

EFFECT OF NON-PASSAGE Manholes will not be purchased.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Neenah Foundry - \$4,900.00
(Approximately)

ASSIGNED TO COMMITTEE (President)